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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,048	07/11/2003	John D. Norton	P10413.00	5613
27581	7590	09/27/2006	EXAMINER	
MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			HA, NGUYEN T	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/618,048

Applicant(s)

NORTON ET AL.

Examiner

Nguyen T. Ha

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-26 is/are allowed.
- 6) ☒ Claim(s) 9-13, 15-16 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892) \*
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action (over the phone) is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 3/29/2006 have been fully considered but they are not persuasive. Howard et al. (US 5,439,760) disclose all the claimed limitations of the claims 9-13 and 15-16 of the present application. See below:

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-13 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Howard et al. (US 5,439,760).

Regarding claim 9, Howard et al. disclose an electrochemical cell (figures 8-18) comprising:

- at least one cathode member (50) having no holes for registration disposed therethrough;
- at least one anode member (1) having no holes for registration disposed therethrough;

- one or more tabs (20, 22) connected to one of the at least one cathode member and at least one anode member; and
- a pouch of separator material (25) enclosing the electrode assembly;
- wherein the one or more electrode tabs projects from the pouch of separator material (figure 14).

Regarding claim 10, Howard et al. disclose the one or more electrodes comprise one or more cathodes or anodes (figure 15).

Regarding claim 11, Howard et al. disclose the pouch of separator material comprises one or more layers of Kraft paper (column 5, lines 42-43).

Regarding claims 12-13, Howard et al. disclose the pouch of separator material comprises polyethylene, polypropylene (column 5, lines 40-42).

Regarding claim 15, Howard et al. disclose the electrodes are configured as a flat electrolytic capacitor cell (figure 15).

Regarding claim 16, Howard et al. disclose the electrodes are configured for use in a coiled capacitor cell (figure 17).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (US 5,439,760) in view of O'phelan et al. (US 6,699,265).

Regarding claim 27, the teaching of Howard et al. included all the claimed limitations discussed above with respect to claim 9, except for an adhesive connecting the pouch of separator material and the electrode assembly.

O'phelan et al. teach an adhesive connecting a separator and an electrodes (column 31, lines 43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the assembly of an adhesive connecting a separator of O'phelan et al., in Howard et al., to do so, it would reduce the current leaking for the capacitor.

***Allowable Subject Matter***

7. Claims 17-26 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 17, the prior art alone or in combination does not teach the limitation of a substantially flat electrode assembly suitable for use in a capacitor cell comprising: at least one flat cathode layer having no holes for registration disposed therethrough, the cathode layer being formed of cathode foil and having a first perimeter of a first overall length, the cathode layer having at least a first tab projecting from the first perimeter at a first predetermined perimeter location, and at least one anode member devoid of registration or alignment apertures disposed therethrough.

Claims 18-26 variously depend on claim 17, they are allowed for the same reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

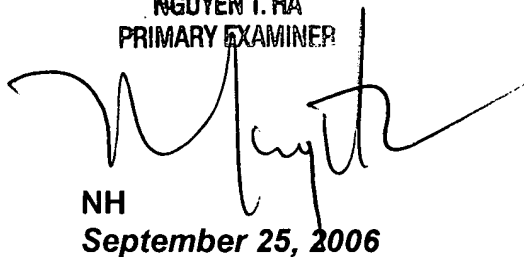
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NGUYEN T. HA  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'N. T. Ha', is written over the printed name and title.

NH  
September 25, 2006